

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Dave A. Fineday,

Plaintiff,

vs.

State of Minnesota, Govenor [sic] Tim  
Pawlenty, County of Cass, Randy Fisher,  
Sheriff of Cass County, Judge Jay Mondry,  
and Western Nation Bank,

Defendants.

Civ. No. 05-1181 (JNE/RLE)

\* \* \* \* \*

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. That the Plaintiff's "Application to Proceed Without Prepayment of Fees," [Docket No. 2], is denied.
2. That the Plaintiff's Motion asking the Court to "Relax Its Rules," [Docket No. 3], is denied.

3. That the Plaintiff's Complaint is summarily dismissed for lack of subject matter jurisdiction pursuant to Rule 12(h)(3), Federal Rules of Civil Procedure.

BY THE COURT:

DATED: July 28, 2005

s/ Joan N. Ericksen  
Judge Joan N. Ericksen  
United States District Court